



MISSING PERSONS - ADULTS/CHILDREN

FC No.: 617

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If a provision of a regulation, departmental directive, rule, or procedure conflicts with a provision of the contract, the contract prevails except where the contract provision conflicts with State law or the Police Collective Bargaining Law. (FOP Contract, Article 61)

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I. Policy

The Department of Police will diligently investigate all reports of missing persons, whether they are missing adults or children.

II. Definitions

- A. ***Missing Adult - An individual, 18 years of age and over, who is the subject of a missing persons report filed with a law enforcement agency and whose whereabouts are unknown.***
- B. ***Critical Missing Adult - A missing individual, 18 years of age and over, who meets one or more of the following criteria:***
 - 1. Is senile
 - 2. Is mentally deficient
 - 3. Is physically handicapped
 - 4. Is suicidal
 - 5. *Is missing following a catastrophic event***
 - 6. Foul play is suspected
- C. ***Missing Child - An individual, under the age of 18 years, who is the subject of a missing persons report filed with a law enforcement agency and whose whereabouts are unknown.***
- D. ***Critical Missing Child - A missing individual, under the age of 18 years, who meets one of the following criteria:***
 - 1. *Has not been the subject of a prior missing person (runaway) report***

2. *Suffers from a mental or physical handicap or illness*
3. *Has ever previously been the subject of a child abuse report filed with the state or local law enforcement agency*
4. *Is missing following a catastrophic event*
5. *Is under 14 years of age*
6. *The disappearance is of a suspicious or dangerous nature*
7. *The person filing the report of a missing child has reason to believe that the missing child may have been abducted*

III. Missing Adults - Initial Investigation

A. Telephone Reporting *Section (TRS)*

TRS may handle the initial report of a missing adult except under the following circumstances:

1. Response to the scene would enhance the ability to locate the missing adult
2. A critical missing adult is involved (section II.B.)

B. Patrol Procedures and Responsibilities

When a patrol officer is dispatched to a missing adult call, the officer will make personal contact with the complainant and:

1. Conduct a preliminary investigation.
2. When a critical missing person is involved (section II.B):
 - a. *Conduct an initial search which may include, but is not limited to:*
 - i. A thorough check of the home *and vehicles*
 - ii. Search of the immediate area
 - iii. *Search of place last seen*
 - b. Place a radio lookout with ECC.
 - c. *Notify a supervisor who will respond to the scene.*
 - d. *Notify the duty commander.*
 - e. *Place subject in NCIC immediately via MRC.*
 - f. Notify the district investigative section as soon as *the on scene supervisor believes their involvement would be beneficial.*
 - g. *Initiate intensive search procedures, as determined by the supervisor, which may include, but is not limited to:*
 - i. Contact friends and/or relatives
 - ii. *Use of K-9*
 - iii. *Use of helicopter*
 - iv. *Use of Reverse 9-1-1 to notify the community of an active intensive search.*
 - h. *Remain in contact with the complainant during an active search to ensure police are aware if victim makes contact and to obtain additional information as needed.*
 - i. Notify **Media Services Division** (Media). If it is after hours, confer with *the duty commander* regarding the need to notify the on-call Media representative. Fax a copy of the report to Media at (240) 773-5037.
3. Advise the complainant that:
 - a. The case will be assigned to the district investigative section for follow-up investigation.
 - b. The investigator assigned to the case will contact them.
 - c. They should immediately contact ECC if the missing adult returns before the investigator contacts them.
4. Confer with the shift supervisor regarding sending a teletype if appropriate.
5. NCIC Entry
 - a. Determine if an NCIC entry should be made (section VII). For an NCIC entry to be made, the complainant must sign an MCP 592, "NCIC Adult Missing Person Attestment Statement," at the time of the filing of the report attesting to the circumstances of the missing person. NCIC

regulations mandate that a signed statement be provided to the police department taking the report to aid in the protection of the missing person's right to privacy. The MCP 592 will be submitted along with the missing person report.

b. NCIC entry must be made for any adult, at least 18 and under 21 years old. An MCP 592 is not necessary (Suzanne's Law).

6. Write the initial report including, but not limited to:
 - a. Full description - attach a photograph (full face) when available.
 - b. Associates, places frequented, threats of violence, etc.
 - c. ***Prescribed medications, mental or physical ailments, doctors, if known, and place of employment and/or school.***
 - d. Whether a radio lookout was made.
 - e. Investigator notified when appropriate.
 - f. A statement regarding whether or not an NCIC entry was made and the ID number of the ***MRC*** operator who made the entry.
7. ***Prior to the end of the officer's tour-of-duty, leave a copy of the event report or fax a copy of the event report to the district investigative sergeant responsible for follow-up investigation of the missing person (see section IV).***
8. ***If the officer solicited the assistance of an individual or business in locating a missing adult, and the adult is subsequently located, the officer will ensure that follow-up contact is made to inform the individual or business that the adult has been located.***

C. If the event is determined to be criminal in nature (foul play suspected, victim located deceased, etc.) the appropriate investigative unit will be immediately notified and will assume responsibility for the investigation.

IV. Missing Adults - Follow-up Investigation

- A. The supervisor of the investigative section with follow-up responsibility, or designee, will review the report and assign the case for follow-up investigation in compliance with the section's standard operating procedures.
- B. The investigator assigned follow-up responsibility will re-evaluate:
 1. The need to notify Media.
 2. The NCIC entry criteria and determine whether or not an entry is appropriate. If necessary, the investigator will complete an MCP 592 and have the complainant sign the form.
- C. ***The investigator assigned follow-up will conduct an investigation with the principal goal of locating the victim, and the secondary goal of evaluating the need to re-classify the event as a crime (e.g. kidnap, homicide).***

V. Missing Children - Initial Investigation

All reports of anyone under 18 years of age missing from home (or court ordered placement in Montgomery County) under the provisions of Family Law 9-401 or 402 will be entitled "Missing Children" (section II.C), so the necessary provisions of the law may be met. The "Type of Event" (Missing Person Report) should state "Missing Child" and include the classification code of either 2943 or 2111, located in the Field Report Manual.

- A. Patrol Responsibility
On receipt of a report regarding a missing child, the officer shall make personal contact with the complainant and:
 1. When a critical missing child (section II.D.) is involved, the officer shall immediately:

- a. **Conduct an initial search which may include, but is not limited to:**
 - i. A thorough check of the home **and vehicles**
 - ii. Search of the immediate area
 - iii. **Search of place last seen**
- b. Place a radio lookout with ECC.
- c. **Notify a supervisor who will respond to the scene.**
- d. **Notify the duty commander.**
- e. **Place subject in NCIC immediately via MRC.**
- f. Notify **Family Crimes Division (FCD)** at (240) 773-5400, or the on-call investigator through ECC.
- g. **Initiate intensive search procedures, as determined by the supervisor, which may include, but is not limited to:**
 - i. Contact friends and/or relatives
 - ii. **Use of K-9**
 - iii. **Use of helicopter**
 - iv. **Use of Reverse 9-1-1 to notify the community of an active intensive search.**
 - v. Check youth congregating locations.
 - vi. Enlist the aid of the State Police, or other law enforcement agencies.
- h. **Remain in contact with the complainant during an active search to ensure police are aware if victim makes contact and to obtain additional information as needed.**
- i. Notify Media. If it is after hours, confer with **the duty commander** regarding the need to notify the on-call Media representative. Fax a copy of the report to Media at (240) 773-5037.
- j. Advise the complainant that:
 - i. The case will be assigned to **FCD** for follow-up investigation.
 - ii. The investigator assigned to the case will contact them.
 - iii. They should contact ECC if the child should return home before **FCD** contacts them.
- k. Obtain a photograph of the missing child, **preferably a portrait-type photo.**
- l. Before the officer's tour-of-duty is completed:
 - i. Notify **MRC** and provide NCIC and MILES computer information (complainant need not complete MCP 592 since the missing person is a **child**).
 - ii. Complete all reports and initiate appropriate teletype for missing children believed to be in a specific location outside Montgomery County.
 - iii. Fax report to **FCD** at (240) 773-5405.
 - iv. **Ensure Media receives a copy of the photo of the missing child**
 - v. **Forward the photo of the missing child to FCD.**
2. If it is **not a critical missing child**, the officer shall immediately:
 - a. Seek to determine the circumstances surrounding the disappearance of the missing child.
 - b. Follow procedures set out in sections V.A.1.j and 1.i through iii.
3. **If the officer solicited the assistance of an individual or business in locating a missing child, and the child is subsequently located, the officer will ensure that follow-up contact is made to inform the individual or business that the child has been located.**

B. ECC Responsibility

Provide radio broadcast for critical missing children (section II.D).

C. Police Information Support and Analysis Division (ISAD) Responsibility

1. **Enter NCIC and MILES information regarding missing children as soon as possible.**
2. **ISAD** will send a copy of all missing children reports and supplements to the State Clearinghouse for Missing Children.

D. Telephone Reporting Section (TRS)

1. *Missing children and runaway reports will be handled by TRS whenever the child is 14 years of age or older, but under 18 years, including those from a group home designed to house status offenders (e.g., RICA, Caithness House, 209 Monroe Street Shelter, the Rockville Boys Home, etc.), except when:*
 - a. *The event just occurred.*
 - b. *On-scene response would enhance locating the missing child.*
 - c. *The missing child has a mental illness or past history of mental illness (does not include past history of drug use).*
 - d. *The missing child is physically handicapped.*
 - e. *The circumstances suggest the possibility of foul play.*
 - f. *The missing person poses a danger to himself/herself or others.*
2. *TRS will place a lookout for all first time runaways being handled by TRS.*
3. *Cancellation - When notification is received of the return of a missing child where the original report met TRS criteria, TRS will ensure the credibility of the information received. TRS will contact the original complainant to verify the information and submit the necessary supplement report.*
4. *If the event is determined to be criminal in nature, TRS will send it back to ECC for a patrol response.*

VI. Missing Children/Runaway - Follow-up Investigation

- A. The follow-up investigation in cases of missing children/*runaways* will be conducted by **FCD**.
- B. The **FCD** investigator will:
 1. Immediately contact complainant to:
 - a. Introduce self as investigating officer.
 - b. Ascertain development of leads since original report was taken.
 2. Assume responsibility for search from patrol personnel.
 3. Notify the appropriate local Department of Social Services and, to the extent possible, obtain any information that may assist in the location of the missing child/*runaway*.
 4. Adhere to SOP regarding missing *persons/runaways*.
- C. When the child turns 18, the investigation will be transferred to the district investigative section where the child was originally missing.

VII. NCIC Entry Criteria

- A. An NCIC entry can only be made if the missing person falls into one or more of the following categories:
 1. Disability - An individual of any age who is missing and under proven physical/mental disability or is senile, thereby subjecting the individual or others to personal and immediate danger.
 2. Endangered - An individual of any age who is missing under circumstances indicating that the individual's physical safety may be in danger.
 3. Involuntary - An individual of any age who is missing under circumstances indicating that the disappearance may not have been voluntary (i.e., abduction or kidnapping).
 4. Juvenile - An individual who is missing and declared unemancipated as defined by the laws of the individual's state of residence and does not meet any of the entry criteria set forth in any of the above categories.
 5. Catastrophe Victim - An individual of any age who is missing after a catastrophe.
 6. Other - *Missing person is at least 18 and under 21 years old (Suzanne's Law).*

- B. If the missing person does not fit into any of the entry categories, an NCIC entry will not be made. A statement in the report will indicate that no entry was made (for example – “The subject does not meet the entry criteria for NCIC, therefore, no computer entry was made.”).

VIII. Closure/Cancellation

- A. Missing person reports can only be closed by a patrol unit, an investigative unit, or **TRS** personnel.
- B. The officer closing the case will:
1. Verify the return and the identity of the missing person. If the missing person is found in another jurisdiction, the officer can have the police department in that jurisdiction make the verification.
 2. Cancel any teletypes, lookouts, or NCIC entries.
 3. Write a supplemental report including, but not limited to, the following:
 - a. Location where the subject was found.
 - b. Subject's physical and mental condition.
 - c. How identity was verified.
 - d. Synopsis of any criminal charges contemplated.
 4. Notify Media as soon as practical if a press release was previously issued and fax a copy of the supplement report to **Media**.
 5. Notify the appropriate investigative unit or fax the supplement report to **them**.
 6. Advise the original complainant of the relevant details of the case and the subject's location. Officers are cautioned in this regard that every case presents different problems and that discretion will be exercised where appropriate in furnishing information.
 - a. If it develops that the missing person has been the subject of foul play or has been located either deceased or in severely deteriorated physical or mental condition, personal contact will be made with the complainant **by the lead investigative unit**.
 - b. In cases involving missing juveniles located outside Montgomery County, NCIC entries can only be canceled upon their return to this jurisdiction. To accomplish this, officers will inform the guardian to **immediately** contact **FCD** when the juvenile returns so the NCIC entry can be canceled. Exceptions may be made when the juvenile's location and condition are verified by another police agency and the legal guardian grants permission for the child to remain at that location.
 - c. In all other cases, telephone contact will suffice.
 7. If requested, return any photographs in police possession.
 8. If a missing child returns home and no foul play is suspected, the missing child can be canceled as stated above in this section, and only the appropriate supplemental report is required. In the event the missing child is determined to be a runaway, the officer arresting a runaway juvenile will write the appropriate supplemental and arrest reports.

IX. County Resident Missing Outside the County

When a call is received concerning a county resident who is believed to be missing in another jurisdiction (e.g., Sugarloaf Mountain, Florida, California, China, etc.) with circumstances that would warrant an investigation if the individual were missing in Montgomery County, the following procedures will be followed:

- A. Report
A police information (2938) report will be written. A copy of the report will be forwarded to the district investigative section.

B. Notification

1. If a critical missing adult (section II.B) is involved, the officer will notify the district investigator immediately.
2. If a critical missing juvenile (section II.D) is involved, the officer will notify **FCD** immediately.
3. In a non-critical case, the officer will immediately contact the jurisdiction where the individual is believed to be missing. This will be noted in the report, to include a point of contact and a phone number for the other jurisdiction.

C. Liaison

Once an investigator is assigned to the case, the investigator will act as a liaison between the complainant and the jurisdiction where the individual is believed to be missing. The investigator will fax a copy of the report to the other jurisdiction.

D. Additional Assistance

Depending on the location and circumstances, ***the duty commander*** can offer the department's canine unit ***and other resources*** as assistance to the outside jurisdiction, ***as appropriate***.

E. NCIC Entry

The jurisdiction where the individual is believed to be, or last known to be, is responsible for making the NCIC entry.

X. **Maryland Amber Plan**

- A. The Maryland Amber Plan is a collaborative approach between broadcasters, MSP, and area law enforcement agencies for response to the abduction of children. "Amber" is an acronym for America's Missing: Broadcast Emergency Response and is a protocol for alerting the public of a child abduction to solicit information useful in the investigation and recovery of abducted children.
- B. Once the patrol officer verifies the kidnapping/abduction and that all of the criteria has been met, the officer will place a lookout stating "Amber Alert pending." A Sergeant from the FCD, Family Outreach Section, will confirm that all of the criteria has been met and then contact the MSP Duty Commander in Pikesville to request the Amber Plan be placed in motion. (Refer to the Maryland Amber Plan MOU for more information on procedures and the criteria required.)

XI. **Child Custody Disputes**

- A. Under Maryland Law, either parent of a child is presumed to have equal right to have custody of the child, unless a court order states otherwise. A child custody order of a Maryland court will supersede any custody order issued by a court in another jurisdiction, unless:
 1. The order from the outside jurisdiction was issued after the Maryland order, and
 2. The lawful custodian of the child:
 - a. Consented to the more recent order, or
 - b. Personally participated in the legal process in the other jurisdiction.
- B. Officers should request a copy of a court order which grants custody and should follow the dictates of that order in determining which party may be allowed to take the child. If no legal custody order is present, officers will make no judgment on their own accord as to which party should have custody, but will advise all parties to seek the advice of an attorney.
- C. When a custody order is in place involving a child under the age of 16 and the order has been violated, the lawful custodian must make a demand to the person with the child for the return of the child. If that demand

is not met within 48 hours, the person holding the child may be charged criminally under the Family Law Article, Title 9-304. In such a case, officers will contact the Missing Children/Runaway Unit, FCD.

- D. Officers may take any child into custody if there are reasonable grounds to believe that the child is in immediate danger from the child's surroundings and removal is necessary for protection. In such instances, Child Welfare should be contacted for assistance at 240-777-4417.

XII. Project Lifesaver

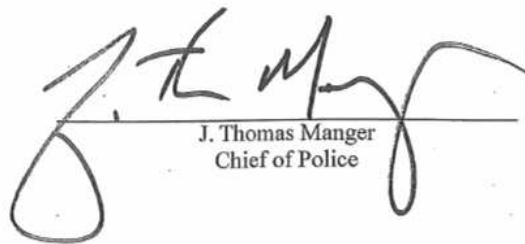
- A. *Project Lifesaver deals with search and rescue missions for wandering victims of Autism, Alzheimer's disease, Down Syndrome, and related dementia-type disorders. The participants are issued personalized bracelets which emit an electronic tracking signal 24 hours a day over several miles. Project Lifesaver is administered by the Community Services Division (CSD). The Project Lifesaver Database is maintained by CSD and accessible by ECC. Database information will be disseminated to officers in the field when appropriate and/or requested.*
- B. *Project Lifesaver calls will be treated as critical missing person calls. ECC will first dispatch an available unit to the scene. Afterwards, ECC will attempt to find a Project Lifesaver Electronic Search Specialist (PL-ESS) to respond. Additional officers will respond to the surrounding area and assist in the search. The PL-ESS will notify other units in the area of signal location, direction of travel, etc. They will also direct units to search areas and also assist in any air support.*
- C. *A police report will be created for all searches involving Project Lifesaver clients.*

XIII. CALEA Standards: 41.2.5, 41.2.6

XIV. Proponent Unit: ISB Administration

XV. Cancellation

This directive cancels Function Code 617, dated 09-08-00, and Headquarters Memorandum 03-04.



J. Thomas Manger
Chief of Police